

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA and :
STATE OF CALIFORNIA, STATE OF :
COLORADO, STATE OF :
CONNECTICUT, STATE OF :
GEORGIA, STATE OF INDIANA, :
STATE OF MONTANA, STATE OF :
NEVADA, STATE OF NEW :
HAMPSHIRE, STATE OF NORTH :
CAROLINA, STATE OF TENNESSEE, :
STATE OF WASHINGTON, STATE :
OF WISCONSIN, COMMONWEALTH :
OF MASSACHUSETTS, and :
COMMONWEALTH OF VIRGINIA, :
ex rel. JOHN DOES, :

Plaintiffs, :

v. :

KINDRED HEALTHCARE, INC., *et al.*, :

Defendants. :

FILED UNDER SEAL

Civil Action No. 16-cv-0683

FILED
APR - 3 2019
KATE BARKMAN, Clerk
By _____ Dep. Clerk

ORDER

The United States and the fourteen Plaintiff States – California, Colorado, Connecticut, Georgia, Indiana, Massachusetts, Montana, Nevada, New Hampshire, North Carolina, Tennessee, Virginia, Washington, and Wisconsin – having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), and the respective Plaintiff States' false claims acts, the Court rules as follows:

IT IS ORDERED that,

1. the complaint be unsealed and served upon the defendants by the relators;
2. all other contents of the Court's file in this action remain under seal and not be made

public or served upon the defendant, except for this Order and the Notice of Election to Decline Intervention by the United States and Plaintiff States, which the relators will serve upon the defendants only after service of the complaint;

3. the seal is hereby lifted as to all other matters occurring in this action after the date of this Order;

4. the parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3), and to the Plaintiff States as required pursuant to their respective false claims acts or applicable law. The United States and the Plaintiff States may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time;

5. the parties shall serve all notices of appeal upon the United States and the Plaintiff States;

6. all orders of this Court shall be sent to the United States and the Plaintiff States; and

7. should the relators or the defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval pursuant to 31 U.S.C. § 3730(b)(1), and from the Plaintiff States as required pursuant to their respective false claims acts or applicable law.

IT IS SO ORDERED,

This 3RD day of April, 2019.

BY THE COURT:


HONORABLE JAN E. DuBOIS
Senior Judge, United States District Court